

REMARKS

Explanation of Claim Amendments:

Claims 1, 7, 15, 28, 31, 36, and 38 have been amended to incorporate the proposed changes discussed with Examiner Barqadle during a personal interview with Applicant's undersigned representative on February 22, 2006. No new matter has been entered and no new issues have been raised in that nothing added to the claims would require further consideration or search by the Examiner. Also, entry of the proposed amendments is appropriate as they address the Examiner's concerns so as to overcome the prior art rejections. Claims 1, 2, 4-21, 23, 25-34, and 36-39 remain in the application.

Summary of Interview:

Applicant's undersigned representative conducted a personal interview with Examiner Barqadle on February 22, 2006. Applicant appreciates the courtesies extended by Examiner Barqadle during that interview. During the interview, Applicant's undersigned representative proposed claim amendments to address the comments of Examiner Barqadle in the Advisory Action mailed January 9, 2006. Examiner Barqadle agreed that the proposed changes would be helpful in addressing his concerns and agreed to reconsider the present application upon submission of the proposed amendments. The present amendment is being submitted for such consideration. Applicant notes that since the Examiner did not indicate whether the December 16, 2005 Amendment Response was entered that Applicant has resubmitted the proposed amendment to claim 15 and repeated most of the arguments previously submitted, albeit adjusted to reflect the proposed claim amendments set forth above and to address the comments made by the Examiner in the January 9, 2006, Advisory Action.

Section 112, Second Paragraph, Rejection:

In the Official Action, claim 15 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for lacking antecedent basis for "the application program." Claim 15 has been amended to provide proper antecedent basis, thereby overcoming the rejection. Withdrawal of the rejection of claim 15 under 35 U.S.C. §112, second paragraph, is respectfully solicited.

Section 102 Rejection:

In the Official Action, claims 1, 7, 8, 10, 11, 15-18, 28, 31-33, and 36-39 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sridhar et al. (US 6,098,108). This rejection is respectfully traversed.

Independent claims 1, 7, 15, 28, 31, 36, and 38 all recite a method, a computer system, or a computer readable medium for performing a method in a computer system, where the method is for a "semi-connectionless protocol" by which a client computer in the computer system sends one or more messages to a server computer. For example, claim 15, as now amended, recites the steps of:

- opening a connection with the server;
- sending the one or more messages over the connection;
- initializing a timer upon receipt of a reply from the server;
- determining whether a timeout period has expired before another request is received from an application program of the client;
- keeping the connection open so long as another request is received before the timeout period has expired; and
- closing the connection when the timeout period has expired before another request is received from the application program.

Independent claims 1, 7, 28, 31, 36, and 38 have been amended to recite similar features. Such steps cannot be found in the teachings of Sridhar et al.

Sridhar et al. teaches at column 18, lines 59-67 that the "keep-alive time" for a connection between the gateway computer and a remote communication server "can be a fixed interval or can be determined adaptively based on past communication characteristics." Sridhar et al. nowhere teach that the fixed interval is reset based on activity of the application program in communicating with the server. Sridhar et al. instead keep the connection open for a set period of time that is fixed arbitrarily or fixed based on *past* communication characteristics, as opposed to fixed based on current attempts by the application program to communicate requests to a server. In other words, while the claimed invention keeps the connection open "so long as another request is received before the timeout period has expired" and closes the connection "when the timeout period has expired before another request is received from the application program," Sridhar et al. keep the connection open for a time that is fixed irrespective of actual communication activity prior to timeout. During the

interview, the Examiner noted that the "persistence" of the connection in Sridhar et al. may be based on the activity and thus that the claim limitations may be met. Applicant has amended the independent claims to distinguish such an interpretation by clarifying that the connection is kept open so long as another request is received before the timeout period has expired and the connection is closed when the timeout period has expired before another request is received from the application program. Sridhar et al. do not keep the connection open in this fashion.

In that Sridhar et al. do not teach keeping the connection open based on the current activity of the application program as now claimed, claims 1, 7, 15, 28, 31, 36, 38, as amended, and all claims dependent thereon are believed to clearly distinguish over the teachings of Sridhar et al. Withdrawal of the rejection of these claims as anticipated by Sridhar et al. is respectfully solicited.

Similarly, independent claims 33 and 39 relate to the server side activity including the steps of:

- reserving a database connection for the transaction between the server and a database corresponding to the transaction;
- determining whether a free connection to the database is available;
- if the free connection is not available, opening a new connection to the database; and
- reserving the database connection by mapping the transaction identifier to the new connection.

Again, such steps are not taught or suggested by Sridhar et al. Applicant can find no teachings in Sridhar et al. relevant to these teachings, and the Examiner has not pointed to any. The Examiner did not provide any evidence of support in the January 9, 2006, Advisory Action or during the personal interview. The rejection of these claims is thus believed to fail on its face in that all limitations of the claims must be found in the cited reference to establish anticipation. Withdrawal of the rejection of claims 33 and 39 as being anticipated by Sridhar et al. is thus believed to be proper and is respectfully solicited. Allowance of independent claims 33 and 39 and dependent claim 34 is solicited.

As with independent claims 33 and 39, the Examiner also has not pointed to where the limitations of independent claim 37 may be found in the teachings of Sridhar et al. Applicant submits that claim 37 distinguishes over the teachings of Sridhar et al. in that Sridhar et al. do

not teach the steps of sending a message to a first server, receiving a reply from the first server in response to the message, the reply including a redirect request that indicates that a second server is a correct destination for the message, and sending the message to the second server *without involving the application program*. The text at column 24, lines 39-61, of the Sridhar et al. patent that is relied upon by the Examiner in the January 9, 2006, Advisory Action does not teach that the client has an application interface that allows such a connection to be made without involving the application program. Moreover, Applicant does not see where Sridhar et al. teach that the reply from the first server includes a redirect request identifying a second server. Instead, Sridhar et al. teach that the redirector 1530 determines whether an alternative communication protocol can be used on a particular TCP/IP connection request from the client application 1510 to the server computer and provides an interface to transport services 1590 to pass data to and from that server computer. While this activity may or may not occur without involving the client application 1510 (unclear from the disclosure), clearly Sridhar et al. do not teach that the reply from the server includes the claimed "redirect request" that is acted upon by the redirector. On the contrary, the redirector 1530 of Sridhar et al. apparently seeks alternative paths to the same server computer, not a path to a second server computer designated by the first server computer as being the correct destination for the message. The rejection of claim 37 is believed to fail on its face in that all limitations of claim 37 must be found in the cited reference to establish anticipation. Withdrawal of the rejection of claim 37 as being anticipated by Sridhar et al. is thus solicited.

For these reasons, the rejection of claims 1, 7, 8, 10, 11, 15-18, 28, 31-33, and 36-39 as being anticipated by Sridhar et al. under 35 U.S.C. §102(e) is improper and should be withdrawn.

Section 103 Rejections:

Claims 2, 5, 6, 9, 20, 29, and 34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sridhar et al. in view of Chorn (US 6,275,843); claims 12-14 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sridhar et al.; and claims 19-21, 23, and 25-27 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Chorn. These obviousness rejections are respectfully traversed for the reasons given below.

As set forth in M.P.E.P. §§2142-2143.03, in order to establish a *prima facie* case of obviousness, patent examiners are required to establish three criteria: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference, or combination of references, must teach or suggest all the claim limitations. The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To make a proper obviousness determination, the examiner must “step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.” In view of the available factual information, the examiner must make a determination as to whether the claimed invention “as a whole” would have been obvious at that time to a person of ordinary skill in the art. Importantly, a rejection based on these criteria must be based on what is taught in the prior art, not the applicant’s disclosure. The applicant’s disclosure may not be used as a blueprint from which to construct an obviousness rejection.

In the present case, the Examiner has failed to establish that the prior art reference, or combination of references, teach or suggest all the claim limitations. The Examiner has instead made unsupported claims that Sridhar et al. teach various features of the claims. Applicant cannot find teachings of certain features of the claims in any of the cited prior art references. Applicant further submits that the Examiner has failed to provide a sufficient explanation as required by M.P.E.P. §706.02(j) of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification of the Sridhar et al. system. Applicant also cannot find anything in the Examiner's Official Action or in the references themselves that provides and motivation or suggestion for modifying or combining the teachings of the references as the Examiner proposes. Applicant thus submits that the Examiner has failed to establish *prima facie* obviousness.

In particular, as noted above with respect to claims 1, 7, 15, 28, 31, 36, and 38, Sridhar et al. do not teach the “semi-connectionless protocol” feature of the claims. Applicant can find no such teachings in Chorn either. Accordingly, the Examiner has failed to establish *prima facie* obviousness. Moreover, the Examiner has pointed to no teachings, reasons or suggestions for combining the teachings of Sridhar et al. and Chorn. The general

allegations provided by the Examiner as insufficient to establish *prima facie* obviousness. In any case, even if the teachings of Chorn and Sridhar et al. could be combined as the Examiner proposes, the resulting system would not implement a "semi-connectionless protocol" as claimed. In the absence of such teachings, independent claims 1, 7, 15, 28, 31, 36, and 38, and all claims dependent thereon, are believed to be allowable over the art of record. Withdrawal of the rejections of claims 1, 2, 4-11, 15-18, 28-29, 31-32, 36, and 38 is thus solicited.

Applicant further submits that claims 12-14 and 30 are allowable for the same reasons as given above with respect to claim 37. As with claim 37, independent claims 12 and 30 respectively recite a method and computer system that send a message to a first server, receive a reply from the first server in response to the message, the reply including a redirect request indicating that a second server is the correct destination for the message, and send the message to the second server "without involving the application program." The Examiner has acknowledged that "Sridhar is silent as to the reception of redirect requests" and "does not explicitly show redirecting to a second server without involving the application program." However, the Examiner finds, without any evidence in support, that "this feature is well known in the art and would have been an obvious implementation of the system disclosed by Sridhar." As noted above with respect to independent claim 37, the language of Sridhar et al. (column 24, lines 39-61) relied upon by the Examiner does not teach that the client has an application interface that allows such a connection to be made without involving the application program or that the redirection is *from the first server to a second server*. The Examiner may not establish a *prima facie* case by simply indicating that this feature is "well known" without any support in the prior art. In the absence of any support for this assertion in the teachings of Sridhar et al. or any evidence that such features are "well known in the art," the Examiner clearly has not established a *prima facie* case of obviousness. Accordingly, independent claims 12 and 30 and dependent claims 13-14 are also believed to be allowable over the art of record. Withdrawal of the rejections of these claims is also solicited.

Finally, in the Examiner's comments with respect to claim 19, the Examiner acknowledged that Chorn does not teach the claimed steps of reserving a database connection and mapping the transaction identifier to the new connection as claimed. Without pointing to

any support in the teachings of Chorn, the Examiner now alleges that such features would have been obvious to one skilled in the art. Applicant submits that there is no basis in the teachings of Chorn for the position taken by the Examiner and, accordingly, that the Examiner has failed to establish a *prima facie* case of obviousness. In particular, Applicant can find no suggestions in Chorn regarding the following features of independent claim 19:

- reserving a database connection for the transaction between the server and a database corresponding to the transaction;
- determining whether a free connection to the database is available;
- if the free connection is not available, opening a new connection to the database; and
- reserving the database connection by mapping the transaction identifier to the new connection.

In the absence of such teachings in Chorn, Applicant submits that *prima facie* obviousness of claims 19-21, 23, and 25-27 over the teachings of Chorn has not been established. Withdrawal of the rejection of claims 19-21, 23, and 25-27 as being obvious over Chorn is thus proper and is respectfully solicited.

Applicant notes that claim 4 was not rejected. Applicant assumes that claim 4 is allowable over the art of record for at least the reasons provided herein with respect to independent claim 1 from which claim 4 depends.

Conclusion:

The claims as presented clearly distinguish over the teachings of Sridhar et al. and Chorn. The Examiner has failed to establish that all features of any of the claims are anticipated by these patent documents and has failed to establish *prima facie* obviousness with respect to any claim. The present application is thus believed to be in condition for allowance. A Notice of Allowability is respectfully solicited.

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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A handwritten signature in black ink, appearing to read "Michael P. Dunnam", is written over a horizontal line.

Michael P. Dunnam
Registration No. 32,611